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Indonesia: Protection, services and legal recourse available to women who are victims of domestic violence (2005 - 2006)

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On 14 September 2004, Indonesia enacted a law against domestic violence (*Jakarta Post* 17 Dec. 2004; see also AFP 27 Nov. 2006). The new law reportedly defines domestic violence as including physical, psychological and sexual violence, as well as economic abandonment (*Jakarta Post* 16 Apr. 2006). According to a 17 December 2004 article in the *Jakarta Post*, Indonesia's largest English-language newspaper (ibid. n.d.), the domestic violence law is intended to provide protection to spouses, children and relatives, as well as domestic workers or other persons working or living within the domestic environment (see also LKBN ANTARA 2 Nov. 2005).

A 27 November 2006 Agence France-Presse (AFP) article notes that, under the new law, perpetrators of domestic violence could face "stiff fines and long jail terms." According to an 18 November 2006 *Jakarta Post* article, those persons found guilty of domestic violence could face a minimum of five years in jail or a fine of 15 million Indonesian Rupiah (IDR) [approximately CAD 1,950 (Canada 5 Jan. 2007a)]. An earlier article in the *Jakarta Post* reports that under Indonesia's domestic violence law, perpetrators of sexual violence offences leading to "serious injury, mental disorder, ... the death of an unborn child, or damage to reproductive organs" could face a jail term of up to 20 years or a fine of up to IDR 500 million [approximately CAD 65,000 (Bank of Canada 5 Jan. 2007b)] (*Jakarta Post* 15 Sept. 2004).

According to Amnesty International (AI), however, women's organizations in Indonesia are concerned that the country's domestic violence law is not being properly implemented (23 Apr. 2006). In its 2006 annual report, AI states that

[i]n November [2005], the commission on violence against women reported that the Law had not contributed to reducing the high number of domestic violence cases, and that the lack of clarity of the definitions and regulations pertaining to the Law hampered full enforcement by local police and judges (23 Apr. 2006).

The Chairwoman of Indonesia's National Commission on Violence Against Women, cited in a 16 April 2006 *Jakarta Post* article, indicated that the country's legal and law enforcement institutions have different interpretations of the domestic violence law regarding what constitutes domestic violence and the type of evidence that can be presented before the courts. A 9 March 2005 *Jakarta Post* article similarly notes that many law enforcement officials are still unfamiliar with the domestic violence law. News sources consulted by the Research Directorate also suggest that the domestic violence law does not effectively protect the rights of domestic workers (*Jakarta Post* 18 Nov. 2006; LKBN ANTARA 2 Nov. 2005).

*Country Reports on Human Rights Practices for 2005* indicates that, in 2005, there were three cases of domestic violence investigated under the domestic violence law; however, charges related to these cases had not been laid by the end of the year (US 8 Mar. 2006, Sec. 5). Additional information on prosecutions under the domestic violence law could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

News and human rights sources consulted indicate that domestic violence against women in Indonesia is underreported (*Jakarta Post* 9 Dec. 2006; ibid. 23 Dec. 2005; ibid. 17 Dec. 2004; US 8 Mar. 2006, Sec. 5). Many women are unwilling to make reports against abusive husbands because of the social stigma associated with domestic violence (*Jakarta Post* 16 Apr. 2006; ibid. 17 Dec. 2004), and because of economic dependence on their husbands (ibid. 16 Apr. 2006). According to a 17 December 2004 *Jakarta Post* article, another factor contributing to this underreporting of domestic abuse in Indonesia is the limitations of the services available to victims in the country.

*Country Reports 2005* indicates that, in 2005, there were several organizations in Indonesia, such as Solidaritas Perempuan, Mitra Perempuan, LBH-Apik and the International Catholic Migration Commission (ICMC), that promoted the rights of women or addressed women's issues (US 8 Mar. 2006, Sec. 5).

No other information on protection, services and legal recourse available to women who are victims of domestic violence could be found among the sources consulted by the Research Directorate.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

#### References

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United States (US). 8 March 2006. Department of State. "Indonesia." *Country Reports on Human Rights Practices for 2005*. <<http://www.state.gov/g/drl/rls/hrrpt/2005/61609.htm>> [Accessed 4 Jan. 2007]

#### Additional Sources Consulted

**Internet sites, including:** The Asia Foundation, British Broadcasting Corporation (BBC), Center for Reproductive Rights, European Country of Origin Information Network (ecoi.net), Factiva, Freedom House, Human Rights Watch (HRW), Internal Displacement Monitoring Centre (IDMC), PeaceWomen.org, Stop Violence Against Women (StopVAW), United Kingdom Home Office, Office of the United Nations High Commissioner for Refugees (UNHCR), United States Department of State, Women Living Under Muslim Laws (WLUML), Womenwatch.org.

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